

Application No. 10/613,664
Response to Office Action

Customer No. 01933

R E M A R K S

The Examiner is thanked for conducting a telephone interview on September 24, 2004.

Claim 7 has been amended as discussed with the Examiner to clearly distinguish over Kamentsky et al, and allowable claims 8-10 have been amended to be placed in condition for immediate allowance.

Accordingly, reconsideration of this application, as amended, is respectfully requested.

RE: THE ALLOWABLE SUBJECT MATTER

The Examiner's allowance of claims 1-6 and the Examiner's indication of the allowability of the subject matter of claims 8-10 are respectfully acknowledged.

Allowable claims 8 and 10 have been amended to be rewritten in independent form, and a minor antecedent basis problem has been corrected in the last line of claim 10 to change "bundle of" to "fluorescent".

No new matter has been added, and no new issues with respect to patentability have been raised.

Accordingly, it is respectfully submitted that amended independent claims 8 and 10, as well as claim 9 depending from amended independent claim 8, are all now in condition for immediate allowance.

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RE: CLAIM 7

Claim 7 has been amended as discussed with the Examiner in the telephone interview conducted on September 24, 2004 to clearly distinguish over Kamentsky et al.

In particular, claim 7 has been amended to clarify the features of the present invention whereby the spectral resolving unit resolves the fluorescent rays from the sample into successive spectral components, and whereby the wavelength splitter splits the successive spectral components resolved by the spectral resolving unit into rays of a plurality of different wavelengths.

As discussed in the telephone interview, it is respectfully submitted that Kamentsky et al does not at all disclose, teach or suggest these features of the present invention. Instead, Kamentsky et al merely discloses band pass filters 103 which filter fluorescence from a sample on the slide 105.

Accordingly, it is respectfully submitted that amended independent claim 7 clearly patentably distinguishes over Kamentsky et al, and that amended independent claim 7 is now in condition for immediate allowance along with already allowed claims 1-6 and allowable claims 8-10.

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CLAIM FEE


The issued patent contained 6 claims of which 1 was independent. The reissue application added one extra independent claim and the appropriate extra claim fee was charged to our Account No. 06-1378. The application as amended now contains 2 further extra independent claims. Accordingly, a claim fee in the amount of \$172.00 for the addition of 2 extra independent claims is attached hereto. In addition, authorization is hereby given to charge any additional fees which may be determined to be required to Account No. 06-1378.

* * * * *

In view of the foregoing, entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned for prompt action.

Respectfully submitted,


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